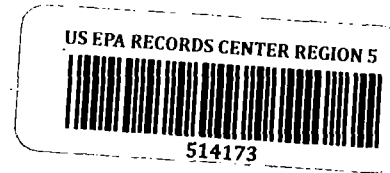




STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

WARREN SPANNAUS
ATTORNEY GENERAL



September 17, 1981

ADDRESS REPLY TO:
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B-2
ROSEVILLE, MN 55113
TELEPHONE: (612) 296-7342

Francis X. Hermann
Assistant U.S. Attorney
110 S. Fourth Street
Room 234
Minneapolis, Mn 55401

Richard W. Emory, Jr.
Environmental Protection
Agency
WH 527-M
401 M Street
Washington, D.C. 20460

✓ Mike Kosakowski
Office of Waste Programs
Enforcement
401 M Street S.W.
WH 527-M
Washington, D.C. 20460

Erica Dolgin
Room 1507
Environmental Enforcement
Section
Land and Natural Resources
Division
U.S. Department of Justice
Washington, D.C. 20530

Bob Leininger
Enforcement
EPA - Region V (EWPE)
230 Dearborn St.
Chicago, Il 60604

Jim Pankanin
Environmental Engineere
EPA Region V (5EWHME)
230 Dearborn
Chicago, Illinois 60604

Re: U.S. v. Reilly Tar & Chemical Corp.
File No. Civ. 4-80-469

Dear Erica and Gentlemen:

Enclosed are copies of the September 2, 1981 Minnesota Department of Health follow up letter to St. Louis Park on Emergency Water Supply Planning and the September 11, 1981 Affidavit of Raymond Henkels concerning Reilly's dumping of wastes in the northwest corner of the site.

Mr. Henkels' son gave Dennis a large volcanic-like "rock" which he found during sewer construction along the site boundary and which likely came from a Reilly still. We do not know the significance of this material to the pollution problem but it does further demonstrate that Reilly dumped wastes in this corner of the site. The State is planning to meet soon with St. Louis Park officials to discuss the proposed townhouse development, proposed restarting of closed wells to meet the City's water shortage, and Superfund matters.

The draft final report from the Hickok firm is due at the end of this month and we hope that state and federal experts and consultants can meet after reviewing the report to reach a consensus on remedial needs, including actions that might appropriately be sought through a preliminary injunction motion.

Very truly yours,



STEPHEN SHAKMAN
Special Assistant
Attorney General

SS:mah

Enc.

cc: Dennis Coyne

P.S. Also enclosed to Mike and Jim is a proposal from the University of Minnesota to do Ames mutagenicity testing on extracts of the Reilly contamination.



minnesota department of health

717 s.e. delaware st.

minneapolis 55440

(612) 296-5221

September 2, 1981

Mr. Richard Koppy
Director of Public Works
City of St. Louis Park
5005 Minnetonka Boulevard
St. Louis Park, Minnesota 55416

Dear Mr. Koppy:

We have reviewed the Emergency Water Supply Plan (dated 6/25/81) that was submitted to this Department by Mr. Vern Tollefsrud. This information was forwarded to us in response to our letter of June 18, 1981, which raised questions dealing with four general issues regarding water supply shortages; water conservation, alternative water supplies, plans to return closed wells to service, and public notification.

Water Conservation:

Regarding the St. Louis Park water conservation program, we have reviewed information enclosed in the Emergency Water Supply Plan and in our survey reports. Approximately 85% of the annual supply demand is residential use. It appears that 30-40% of the peak summer demand is seasonal use (irrigation, car washing, pools). The restriction of seasonal use (Ordinance #1464: odd-even schedule for irrigation, with a complete irrigation ban during 3:00-9:00 p.m.) is a very effective tool in reducing peak demand. Other common conservation measures dealing with the physical and mechanical aspects of the water supply system (i.e., metering, meter inspections, leak detection) have all been implemented (i.e., 100% meter coverage), as reflected by the low 1% unaccounted water. The remaining conservation measures are primarily voluntary and include such methods as reduction of toilet tank storage (float arm adjustment or inserts), elimination of using toilets for trash disposal (i.e., hair, cigarettes, etc.), insertion of flow reduction devices (i.e., showerhead devices), and minimization of running the tap during shaving, washing, and so forth. Considering the relatively large percentage of residential use, these measures have the potential to be significant. However, these measures will also require some adjustments in conventional lifestyles. Public education is the basic tool for implementing this strategy - short brochures distributed with billings, flyers, newspaper articles, cable-TV information specials, and school programs. The current public education program emphasizes the nature of the City's water supply problems (source contamination) and identifies appropriate remedial actions (restrictions on seasonal water use during periods of critical water shortage). The Department of Health recommends that the utility pursue additional remedial actions (voluntary limitations

on water use) through public education. A variety of educational materials relating to water conservation practices are available from the American Water Works Association. A copy of an informational brochure, distributed by the St. Paul utility, is included as an example. We are also enclosing some information identifying water conservation alternatives and assessing the short-term and long-term effectiveness of such measures. While some of the measures are somewhat exotic, the coverage of methods is fairly comprehensive.

Alternative Water Supplies:

In terms of alternative water supplies, we request an update on the investigation of establishing service connections with Golden Valley, Minnetonka, and/or Plymouth. A copy of the scope of work and the time schedule of Orr-Schelen-Mayeron would be particularly useful.

Plans to Return Wells to Service:

At this time, the Minnesota Department of Health cannot support the proposed return of Well #15 to active supply service. The powdered activated carbon and granular activated carbon treatment studies conducted by Eugene A. Hickok & Associates (report dated April 1981) were certainly quite promising, with removal percentages of 97-98%. However, this effort was simply investigatory in nature. No information is available on break-through times, life expectancies of filter media, backwash characteristics and disposal, and other long-term operating characteristics. The Hickok report of April, 1981, recommends that "additional studies are necessary in order to fully understand the effectiveness of powdered activated carbon as a treatment method." It is because of this need to complete extensive studies that the State submitted a proposal for over \$200,000 of Reallocation Funding to the U.S. Environmental Protection Agency to conduct a more comprehensive bench-testing study, to conduct a pilot plant investigation, and to develop plans and specifications for a treatment facility. Although this project was not included in the initial \$200,000 awarded by the U.S. Environmental Protection Agency, it appears likely this project will be included in another \$200,000 which should be awarded by the U.S. E.P.A. Superfund Program. Effective treatment of Well #15 is particularly critical since this well is the most heavily-contaminated municipal well to date.

Notification:

It is our view that the notification procedures could be further strengthened. The present procedures rely heavily upon existing media mechanisms, which may result in a delay between the return of wells to service and public notification. The City should consider the hand delivery of flyers to, at least, those areas of the distribution system that may be most seriously affected. Another option the City should consider is the use of a mailing to the affected areas. The mailers could be prepared, addressed, and stamped in advance in order to expedite their distribution. These mechanisms would result in more rapid and more direct notification of the residents of the City.

September 2, 1981

Besides the notification of the public when closed wells are activated, there should be some general notification that an overall contingency plan is being developed. The City may wish to solicit public comment on the plan. Once the plan is formally adopted, the public must be made aware of its existence and content (i.e., newspaper, television, radio, and public meetings).

We hope these considerations and recommendations will be useful in developing a comprehensive contingency plan and informing the residents of their responsibilities and their options. We would like to meet and discuss these issues once you and your staff have considered these points. At your earliest convenience, please contact me at 296-5330 or Michael Convery at 296-5297 to arrange a meeting.

Sincerely,

Gary L. Englund, P.E., Chief
Section of Water Supply
and General Engineering

Enclosures

cc: Vern Tollefsrud, St. Louis Park
Lovell Richie, M.P.C.A. —

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

and

STATE OF MINNESOTA, by its
Attorney General Warren Spannaus,
its Department of Health, and its
Pollution Control Agency,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION;
HOUSING AND REDEVELOPMENT AUTHORITY
OF ST. LOUIS PARK; OAK PARK VILLAGE
ASSOCIATES; RUSTIC OAKS CONDOMINIUM
INC.; and PHILIP'S INVESTMENT CO.,

Defendants.

and

CITY OF ST. LOUIS PARK,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, Raymond J. Henkels, being first duly sworn on oath, depose
and say that:

1. Since 1951, I have resided at 3153 Pennsylvania Avenue,
St. Louis Park, Minnesota. My property line abuts the northwest
corner of the former Reilly Tar site. Reilly Tar's barbed wire
fence extends along the southern edge of my property.

Civil No. 4-80-469

AFFIDAVIT OF
RAYMOND J. HENKELS

2. I am now retired. Before retiring about five years ago, I was the District Motor Equipment Supervisor for the Bell Telephone Company. My office was located in Hopkins.

3. There is a wooded area on the northern edge of the former Reilly Tar site. This wooded area is approximately 100 feet south of the fence that extends along the northern edge of the former Reilly Tar site and 300 feet east of the fence that extends along the western edge of the former Reilly Tar site. As early as I can remember after moving into my home on Pennsylvania Avenue, I saw small tankers, covered with black oily material, being pulled up into the wooded area by trucks or tractors. I would observe these tankers from my yard where I often worked outdoors during the summer months. When this dumping was going on, I would smell a strong "creosote" odor. Many times I observed a valve being opened on the tankers and black oily liquids flowing from the tankers and out onto the ground. This black oily liquid would seep into the ground or would pool on the surface of the ground. The material that pooled on the surface of the ground looked like asphalt. The tanker would drain in approximately an hour or so. I made these observations during the daylight hours.


4. In about the early 1960's I saw a large pit approximately 30 to 50 feet square and 10 feet deep being dug on the northwest corner of the Reilly Tar site. This pit was located approximately 50 feet south of the fence that extends along the

northern edge of the former Reilly Tar site and 50 feet east of the fence that extends along the western edge of the former Reilly Tar site. This pit was filled-in with miscellaneous debris (including pieces of wood and cement blocks) a few weeks after the pit was dug. As they did at the wooded area, tankers would come up to this pit area, and dump black oily liquids onto the ground. Eventually the pit area became so saturated with these dumped materials that the black oily liquid would pool on the surface of the ground.

5. The dumping by Reilly Tar in the wooded area and in the pit area continued until about the time when Reilly Tar closed down its operations.


RAYMOND J. HENKELS

Subscribed and sworn to before me
this 11th day of September 1981.


NOTARY PUBLIC
STEPHEN SHAKMAN
NOTARY PUBLIC—MINNESOTA
HENNEPIN COUNTY
My Commission Expires Aug. 6, 1987